THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9657 of 2007

Date: 1.5.2007

Between:

Kudapa Sai Ram

....Petitioner

and

The Government of A.P. rep
by its Secretary, Revenue Department,
Secretariat, Hyderabad and 2 others.

....Respondents

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O R D E R:

The petitioner states that he purchased vacant land admeasuring 203 square yards in Survey No.74/4 situated in the layout of Vimalananda Cooperative Housing Society Limited, Mahindra Hills, Secunderabad.. According to him, the sale deed executed by the vendor was presented to the third respondent for registration. The grievance of the petitioner is that the third respondent is not accepting the document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said survey number. This writ petition is filed seeking appropriate directions to the respondents in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same in accordance with the provisions of the Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the third respondent to receive and process the document presented by the petitioner and take necessary steps in accordance with the provisions of the Stamp Act and the Registration Act, within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

01.05.2007

msv.

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77